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11 Ball, Gal Israely, Dean Gilbert, Kenneth E.
12 Goldman, Lloyd Carney, Bruce I. Sachs, Robert J.
13 Sachs, and Geoffrey Y. Yang

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 BIKASH MOHAN MOHANTY, On Behalf of)
16 Himself and All Others Similarly Situated,)

17 Plaintiff,)

18 v.)

19 BIGBAND NETWORKS, INC., AMIR)
20 BASSAN-EZKENAZI, RAN OZ, FREDERICK)
21 BALL, GAL ISRAELY, DEAN GILBERT,)
22 KEN GOLDMAN, LLOYD CARNEY, BRUCE)
23 SACHS, ROBERT SACHS, GEOFFREY)
24 YANG, MORGAN STANLEY & CO., INC.,)
25 MERRILL LYNCH, PIERCE, FENNER &)
26 SMITH, INC., JEFFERIES & CO., INC.,)
27 COWEN AND CO., INC., AND)
28 THINKEQUITY PARTNERS LLC)

Defendants.)

CASE NO.: 3:07-CV-05101-SBA

**MOTION FOR ADMINISTRATIVE
RELIEF TO CONSIDER WHETHER
CASES SHOULD BE RELATED**

TO: THE COURT AND ALL PARTIES OF RECORD

Pursuant to Local Rule 3-12, Defendants BigBand Networks, Inc. ("BigBand"), Amir Bassan-Eskanazi, Frederick A. Ball, Ran Oz, Lloyd Carney, Dean Gilbert, Kenneth A. Goldman, Gal Israely, Bruce I. Sachs, Robert J. Sachs, and Geoffrey Y. Yang ("BigBand Defendants") hereby request that the Court make a determination that the following cases are related:

- *Mohanty v. Bassan-Eskanazi, et al.*, No. C-07-5101-SBA, filed on October 3, 2007; and
- *Wiltjer v. BigBand Networks, Inc., et al.*, No. C-08-22-MHP, removed to this Court pursuant to a Notice of Removal filed on January 2, 2008.¹

Both of these cases are securities class action lawsuits against BigBand Networks, Inc. and certain of its current and former officers and directors, and underwriters. Plaintiff James Wiltjer's Complaint alleges that Defendants violated Sections 11, 12(a)(2) and 15 of the Securities Act of 1933 (15 U.S.C. §§ 77k, 77l(a)(2), and 77o) by selling or assisting in the sale of securities pursuant to a false and misleading registration statement and prospectus in connection with BigBand Networks, Inc.'s initial public offering in March 2007. Similarly, the *Mohanty* matter asserts that Defendants violated Sections 11 and 15 of the Securities Act of 1933 (15 U.S.C. §§ 77k and 77o) by selling or assisting in the sale of securities pursuant to a false and misleading registration statement and prospectus in the same public offering. Plaintiff James Wiltjer names as defendants the same defendants that are named in the *Mohanty* matter. In short, the *Wiltjer* Complaint contains allegations that are substantially similar to those in *Mohanty*.

¹ In addition to the *Mohanty* class action, six other similar actions are also pending in this district and should also be deemed related: *Koesterer v. BigBand Networks, Inc., et al.*, No. C 07-5168-MMC, filed 10/09/07; *Winston v. BigBand Networks, Inc., et al.*, No. C 07-5327-JSW, filed 10/18/07; *Smith v. BigBand Networks, Inc., et al.*, No. C 07-5361-SI, filed 10/19/07; *Luzon v. BigBand Networks, Inc., et al.*, No. C 07-5637-WHA, filed 11/6/07; *Bernstein v. BigBand Networks, Inc., et al.*, No. C 07-05819-CRB, filed 11/15/07; and *Hammer v. BigBand Networks, Inc., et al.*, No. C 07-5825-SI, filed 11/16/07. These are all purported class actions alleging violations of either the Securities Act of 1933 or the Securities and Exchange Act of 1934 or both, against BigBand Networks, Inc. and certain of its current and former officers and/or directors. Certain of the actions include underwriters as defendants. All the actions assert similar allegations of false or misleading statements in connection with BigBand's initial public offering and thereafter. All parties to these putative class actions have agreed that they should be deemed related to *Mohanty* and consolidated. See Stipulation and [Proposed] Order Regarding Consolidation and Scheduling filed November 21, 2007, *Mohanty* Docket No. 11.

CERTIFICATE OF SERVICE VIA REGULAR MAIL

I, Peggy L. Baird, declare:

I am employed in Santa Clara County, State of California. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

On this date, I served via regular mail the following document:

**MOTION FOR ADMINISTRATIVE RELIEF TO CONSIDER WHETHER
CASES SHOULD BE RELATED and**

CERTIFICATE OF SERVICE

☒ This document was served by regular mail to the following individuals at the addresses as set forth below:

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I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of documents for delivery according to instructions indicated above. In the ordinary course of business, documents would be handled accordingly.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on January 3, 2008.


Peggy L. Baird